

DOCKET: STR30100

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR:	Burroughs et al.	)	EXAMINER:	C. Chaney
		)		
SERIAL NO.:	09/338,115	)	ART UNIT:	1745
		)		
FILING DATE:	June 23, 1999	)	DATE:	June 7, 2000
		)		
FOR:	Battery Strength	)		
	Indicator	)		

**SUPPLEMENTAL REISSUE DECLARATION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Applicants, James R. Burroughs and Alan N. O'Kain, citizens of the United States of America, declare that:

1. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,015,544 granted on May 14, 1991 and in the specification submitted in this reissue application, which is a continuation of reissue application no. 07/963,915.

2. We do not know and do not believe that the invention was ever known or used in the United States before our invention thereof.

3. We hereby state that we have received and understand the contents of the specification and claims of this continuation reissue application, including claims 51-62 presented in the preliminary amendment dated June 23, 1999 and claims 63-80 presented in the amendment submitted herewith.

4. We acknowledge our duty to disclose information which is material to the examination of this application in accordance with 37 CFR § 1.56.

5. We believe the original '544 patent to be wholly or partially inoperative because of error, without deceptive intent on our part, by reason of claiming less than we had a right to claim in the '544 patent. An error relied upon for reissue of the '544 patent is the fact that claims 1-11 of the '544 patent are limited to a battery having a battery strength indicator and switch means in which the battery indicator means is defined as a first chamber having indicator means therein formed between top and base non-conductive layers, and the switch means is defined as a deformable second chamber formed between the top and base layers, and including first, second and third conductive means. Since the issuance of the '544 patent, we have come to realize that the inventive concept of our invention disclosed in the '544 patent does not require recitation of such specific construction of the battery indicator and switch. Examples of a broader recitation of our inventive concept correcting this error is shown in claims 63-80 submitted herewith.

6. Every error in the '544 patent which was corrected in the present reissue application up to the time of filing of this declaration, and is not covered by a prior oath or declaration submitted in this application, arose without any deceptive intent on our part.

7. The undersigned applicants declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 USC § 1001 and that such willful false statements may jeopardize the

validity of this application or any patent issuing therefrom.

Date

6-7-00

Date

James R. Burroughs

Alan N. O'Kain

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DOCKET: STR30100

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR:	Burroughs et al.	)	EXAMINER:	C. Chaney
SERIAL NO.:	09/338,115	)	ART UNIT:	1745
FILING DATE:	June 23, 1999	)	DATE:	June 8, 2000
FOR:	Battery Strength Indicator	)		

**CONSENT AND PROOF OF OWNERSHIP OF ASSIGNEE**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Strategic Electronics, LLC, assignee of U.S. Patent No. 5,015,544, consents to the filing of this reissue application serial no. 09/338,115 for the reissue of U.S. Patent No. 5,015,544.

Ownership of U.S. Patent 5,015,544 is established in the records of the United States Patent and Trademark Office on reel 5089, frame 0107, on reel 7511, frame 0498 and on reel 8964, frame 0608, which shows current ownership in Strategic Electronics, LLC.

Alan N. O'Kain, a Member of Strategic Electronics, LLC, is empowered to sign this statement on behalf of Strategic Electronics, LLC.

6/8/00  
Date

  
Alan N. O'Kain  
Member  
Strategic Electronics, LLC

FORM PTO-950  
(REV. 8-01)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## INTERFERENCE—INITIAL MEMORANDUM

**EXAMINERS INSTRUCTIONS**—This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

**BOARD OF PATENT APPEALS AND INTERFERENCES:** An interference is found to exist between the following cases:

This is count 1 of 1 count(s).

1. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	APPROVED
BURROUGHS et al.	Re 963,915	10-20-92		INITIAL

The claims of this party which correspond to this count are:

13-36, (37) - 51 (allowable)

The claims of this party which do not correspond to this count are:

1-12 & and 52-63 (allowable)

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

U.S.

07/308,210

2-8-89

5,015,544

2. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	APPROVED
CATALDI et al.	07/504,504	4-4-90	5,059,894	INITIAL

The claims of this party which correspond to this count are:

1-19 (20) - 29

The claims of this party which do not correspond to this count are:

NONE

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

3. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	APPROVED
CATALDI et al.	07/942,973	9-10-92		INITIAL

The claims of this party which correspond to this count are:

9-19 (20) - 25 and 28-40 (allowable)

The claims of this party which do not correspond to this count are:

NONE

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

U.S.

07/504,504

4-4-90

5,059,894

If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheets if necessary):

RECEIVED  
DELIO & PETERSON  
MAY 09 1994

FILE  
DOCKETED  
BY

\* The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application if there are intervening applications necessary for continuity.

DATE 4/15/94	PRIMARY EXAMINER Kenneth A. Wieden	TELEPHONE NO. 304-4707	ART UNIT 2607
Clerk's Instructions: Obtain a title report for all cases and include a copy.		GROUP DIRECTOR SIGNATURE (if required)	

All communications respecting this  
case should identify it by number  
and names of parties.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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MAILED

[JUN 18 1999

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Interference No. 103,036

Wang et al.

v.

Burroughs et al.

v.

Burroughs et al. (RE)

REDECLARATION OF INTERFERENCE

Pursuant to the Final Decision (Paper No. 865), this interference is reddeclared by designating the Burroughs et al. reissue claims 1 to 11, 31 and 50 as corresponding to the count. Count 1 is as follows:

Count 1

A battery having a label with an integral voltmeter, wherein the voltmeter comprises:

A) a dielectric layer,

B) a conductive layer above or below the dielectric layer; and

Interference No. 103,036

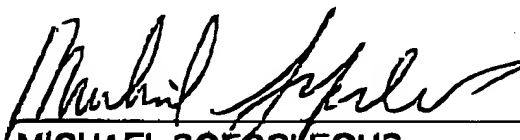
C) a temperature sensitive color indicator layer in thermal contact with the conductive layer, characterized in that 1) the conductive layer has i) sufficient heat generating capacity to affect a change in the temperature sensitive color Indicator layer and ii) sufficient thermal insulating means under one of its surfaces to overcome heat sinking when the voltmeter is in contact with a battery having an electrically conducting housing and 2) the voltmeter includes means for forming an electrical switch with the electrically conductive battery housing.

The claims of the parties which correspond to count 1 are:

Wang et al.: Claims 22 to 24 and 43 to 63

Burroughs et al. (Patent): Claims 1 to 11

Burroughs et al. (Reissue): Claims 1 to 11, 13 to 16, 18 to 20, 22 to 33, 35 to 37, 39 to 51



MICHAEL SOFOCLEOUS  
Administrative Patent Judge  
Telephone: (703) 308-9823

dm

**Interference No. 103,036**

**Attorney for Wang et al.:**

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